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Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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320 W. 4th Street, Suite 200, Los Angeles, California 90013  
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Ms. Theresa Lubin  
County of Ventura Parks Department  
800 South Victoria Avenue  
Ventura, CA 93309

### **WATER QUALITY CERTIFICATION FOR PROPOSED SOULE PARK FISH PASSAGE IMPROVEMENT PROJECT (Corps' Project No. 2004-00421-AJS), SAN ANTONIO AND THATCHER CREEKS (TRIBUTARIES TO VENTURA RIVER), CITY OF OJAI, VENTURA COUNTY (File No. 04-027)**

Dear Ms. Lubin:

Regional Board staff has reviewed your request on behalf of California Department of Water Resources (DWR) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 21, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_  
[Original Signed by]  
Jonathan Bishop  
Interim Executive Officer

\_\_\_\_\_  
August 20, 2004  
Date

### **California Environmental Protection Agency**

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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Vicki Clark, Staff Attorney  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101

Peter Brand  
Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Oscar Balaguer  
State Water Resources Control Board  
Division of Water Quality  
P.O. Box 944213  
Sacramento, CA 94244-2130

Jessie Altstatt  
Santa Barbara Channel Keeper  
714 Bond Street  
Santa Barbara, CA 93103

Martin Potter  
California Department of Fish and Game  
Streambed Alteration Team  
4949 View Ridge Avenue  
San Diego, CA 92123

Antal Szijj  
U.S. Army Corps of Engineers  
Regulatory Branch, Ventura Field Office  
2151 Alessandro Drive, Suite 255  
Ventura, CA 93001

Aaron Setran (WTR-8)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Tim Vendlinski  
Supervisor, Wetlands Regulatory Office (WTR-8)  
US EPA, Region 9  
75 Hawthorne  
San Francisco, CA 94105

Diane Noda  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, CA 93003

## ATTACHMENT A

### Project Information

File No. **04-027**

1. Applicant: County of Ventura Parks Department  
800 South Victoria Avenue  
Ventura, CA 93309  
  
Phone: (805) 654-3951      Fax: (805) 654-3684
2. Applicant's Agent: Ms. Theresa Lubin
3. Project Name: Soule Park Fish Passage Improvement Project
4. Project Location: City of Ojai, Ventura County  
  
Longitude: 119° 13' 52.47"; Latitude: 34° 26' 19.48"
5. Type of Project: Fish passage/restoration
6. Project Description:  
*Purpose:*  
The purpose of this project is to provide year-round, all-weather access to the south side of the Soule Park Golf Course across San Antonio Creek, and to facilitate re-establishment of fish movement through the project area.  
  
*Description:*  
The project involves the restoration of approximately 325 and 125 linear feet of San Antonio and Thacher Creeks, respectively. The proposed project includes extensive channel grading, removal of an existing dry weather crossing and the construction of step-pool structures further up San Antonio and Thacher Creeks, removal of an existing pedestrian/golf cart bridge, and the installation of a new bridge for truck access to the south side of San Antonio Creek.  
  
Thatcher Creek and San Antonio Creeks, both tributaries to the Ventura River, traverse the Soule Park Golf Course. San Antonio Creek provides some of the best spawning and rearing habitat that is currently accessible to the endangered Southern steelhead trout (*oncorhynchus mykiss*) in the Ventura River watershed. Currently, there are two bridges and one dry-weather crossing in San Antonio

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Creek at Soule Park Golf Course. They dry-weather crossing provides access for heavy equipment and emergency vehicles to the south side of the golf course. This crossing is approximately 155-feet long and forms a 9-foot high barrier in the streambed, effectively blocking the movement of steelhead and other aquatic species to suitable upstream spawning and rearing habitat during most flow conditions. The existing pedestrian/golf cart bridge in the vicinity is not equipped to handle heavy equipment and emergency vehicles.

The proposed project involves lowering the channel bed bottom to a maximum of 7 feet below existing channel bed elevations in portions of the project reach. Downstream of the confluence between the two creeks, a new channel would be graded and sized using the bankfull or 2-year flow estimates. A new floodplain terrace would be graded on either side of the channel. Grading activities would result in the removal approximately 4,000 yards of earthen material. This material would be placed and graded to natural contours in the high area between San Antonio and Thatcher Creeks.

A complex of five to six pool structures would be constructed on each San Antonio and Thatcher Creeks using 20-foot spacing. A rock weir would be constructed immediately upstream of the pool, with an appropriate drop height of one foot each. The rock weirs would be constructed of large rocks placed across the channel in a “U” shape, with the open end of the “U” facing downstream. These structures would focus flow into the center of the stream channel, creating valuable pool habitat and providing a resting-place for migrating fish and sufficient water depth for them to accelerate prior to jumping into the next pool.

The existing pedestrian/golf cart bridge across San Antonio Creek would be removed and replaced with a new prefabricated bridge. The new bridge would be a clear span bridge and would be designed to allow access of heavy equipment and truck crossing to the south side of the golf course. This bridge would become the primary crossing for the golf course.

Extensive grading activities will require vegetative plantings as well as erosion control on the newly created bank slopes. The new floodplain terrace would be planted with appropriate native riparian

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shrub and tree species. Extensive use of willow pole trench planting would be conducted as part of the overall re-vegetation plan.

Construction equipment that will be used to complete the project will include bulldozers, excavators, rubber tire loaders, and off-road dump trucks.

To lower the channel bed bottom, all riparian vegetation will be removed within the limits of grading. After project completion, all areas will be restored and planted with native vegetation.

- |  |  |
|--|--|
| 7. Federal Agency/Permit:                                  | U.S. Army Corps of Engineers<br>NWP No. 27 (Permit No. 2004-00421-AJS)   |
| 8. Other Required Regulatory Approvals:                    | California Department of Fish and Game<br>Streambed Alteration Agreement<br>(Notification No. 1600-2004-0059-R5) |
| 9. California Environmental Quality Act (CEQA) Compliance: | The County of Ventura, Parks Department approved the project's Negative Declaration on June 11, 2004.            |
| 10. Receiving Water:                                       | San Antonio and Thatcher Creeks (Tributaries to Ventura River)<br>(Hydrologic Unit No. 402.32)                   |
| 11. Designated Beneficial Uses:                            | MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, MIGR, SPWN, WET<br><br>* Conditional beneficial use   |
| 12. Impacted Waters of the United States:                  | Non-wetland waters (streambed): 450 temporary linear feet and 0.02 permanent acres                               |
| 13. Dredge Volume:   | None   |

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14. Related Projects Implemented/to be Implemented by the Applicant:
- The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.
15. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Project scheduling will be during the dry season, and when San Antonio and Thacher Creeks are not flowing;
  - Erosion control measures including extensive use of willow pole trench planting would be conducted as part of the overall re-vegetation plan to control erosion of the stream bank;
  - Landscape management will include proper use and management of soil stockpiles, landscaping materials, and chemicals;
  - Storage of equipment, and construction materials and waste will be in designated areas away from storm drain inlets and will be protected by berms or other protective measures; hazardous materials will be stored in sheds or other secondary containment;
  - Dust control with standard dust control measures, such as watering the construction area, limiting construction equipment traffic speeds, suspending soil disturbing activities during high winds, and using stabilized construction entrances;
  - Water conservation practices will be use to control nuisance runoff in the construction area; includes using minimal water for dust control, maintaining water equipment, and washing equipment and vehicles at appropriate off-site washing facilities; and
  - A Storm Water Pollution Prevention Plan will be prepared as part of the requirement for the General Construction Permit; this document will outline additional BMPs that will be used to avoid or minimize impacts to waters of the U.S.

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16. Required  
Compensatory  
Mitigation:

The proposed project is restorative in nature and the Regional Board will not require any additional compensatory mitigation.

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### Conditions of Certification File No. 04-027

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.



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4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

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### Conditions of Certification File No. 04-027

11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
13. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
14. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
  - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;

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- (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
  - (f) A certified statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
15. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
16. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing conditions; (c) the area of proposed impacts within waters of the State; and (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation). Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
17. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
- “I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true,

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### Conditions of Certification File No. 04-027

accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)"

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-027**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
19. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
20. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ.
21. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
22. The Applicant or their agents shall report any noncompliance with this Certification. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the non-compliance. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, corrective actions and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

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#### 23. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
24. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.